

**PSYCHOLOGY EXAMINING BOARD
MEETING MINUTES
FEBRUARY 10, 2010**

PRESENT: Cynthia Bagley (via: telephone); Bruce Erdmann, Ph.D.; Teresa Rose (via: telephone); Melissa Westendorf, Ph.D. (attended meeting in person but connected by phone at 3:35 p.m.)

EXCUSED: Erica Serlin, Ph.D.

STAFF: Jeff Scanlan, Bureau Director; Colleen Baird, Legal Counsel; Kimberly Wood Bureau Assistant and other DRL Staff

GUESTS: Sarah Bowen, Wisconsin Psychological Association (WPA)

CALL TO ORDER

Bruce Erdmann, Ph.D., Chair, called the meeting to order at 9:11 a.m. A quorum of four (4) members was present.

APPROVAL OF AGENDA

Amendments to Agenda

- Between Items “A & B” (open session) Under the item titled “Presentation of Proposed Stipulations Signed After the Mailing of the Agenda” Strike “None” and ADD:
 1. Mervin Smucker, Ph.D. – 06 PSY 049
 2. Linda Bloom, Psy.D. – 07 PSY 030
- After Item “X” (closed session) Under the item titled “Deliberation of Proposed Stipulations Signed After the Mailing of the Agenda” ADD:
 1. Mervin Smucker, Ph.D. – 06 PSY 049
 2. Linda Bloom, Psy.D. – 07 PSY 030

MOTION: Cynthia Bagley moved, seconded by Melissa Westendorf, Ph.D., to approve the February 10, 2010 agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 2, 2009

MOTION: Teresa Rose moved, seconded by Melissa Westendorf, Ph.D., to approve the minutes of December 2, 2009 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

Jeff Scanlan announced that Gail Sumi has resigned as Administrator – Division of Board Services and has assumed the Department's vacant bureau director position. The appointment of John Lease, Administrator – Division of Board Services was announced. John Lease was present to provide an introduction and his background to the Board. Jeff Scanlan also reported that Marvin Robinson, Administrator – Division of Enforcement, has resigned.

The Board was advised that the Department's redesigned website is now available. A review of the newly released site was conducted with the Board.

Annual Policy Review

Jeff Scanlan conducted an annual review of the following Department policies.

- Agendas and Addendums
- Quorum Policy and Procedure
- Checked Baggage Policy
- Out-of-State Travel Policy
- State of Wisconsin Pocket Travel Guide
- Hotel Policy and Reservations
- Travel Vouchers and Per Diems

Approved Board Meeting Dates for 2010

The Board noted its 2010 meeting dates.

PRESENTATION OF PROPOSED STIPULATIONS IN THE MATTER OF DISCIPLINARY PROCEEDINGS

None.

PRESENTATION OF PROPOSED STIPULATIONS SIGNED AFTER MAILING OF THE AGENDA

**MERVIN SMUCKER, PH.D.
(06 PSY 049)**

Attorney Jack Zwieg presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Mervin Smucker (06 PSY 049) and answered the Board's questions pertaining to this matter. This matter will be deliberated in closed session.

**LINDA BLOOM. PSY.D.
(07 PSY 030)**

Attorney Jack Zwieg presented the Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Linda Bloom (07 PSY 030) and answered the Board's questions pertaining to this matter. This matter will be deliberated in closed session.

**SUMMARY REPORTS ON ADMINISTRATIVE RULES, PENDING COURT CASES,
DISCIPLINARY CASES AND PRESS RELEASES**

Noted.

STATUS OF RULES AND STATUTES FOR ALL PENDING LEGISLATION

None.

**REPORTING VIOLATIONS TO THE PSYCHOLOGY EXAMINING BOARD,
DISCUSSION WITH DOE STAFF REGARDING REPORTING BY PROFESSIONALS –
I.E. LICENSED PSYCHOLOGISTS AS OPPOSED TO REPORTING BY CLIENTS –
ISSUES TO CONSIDER**

Attorney James Polewski appeared before the Board to discuss violation reporting by professionals vs. violation reporting by consumers. Attorney Polewski informed the Board that the Department's complaint process and the information posted on the website is not geared towards professional reporting as credential holders are exposed to the regulation of their profession and should have knowledge of their respective reporting requirements.

Attorney Polewski acknowledged the Board's concern relating to the lack of information available to licensees regarding an approach for professional reporting. He went on to discuss how a licensee may address reporting requirements and discussed related patient confidentiality concerns. The Board inquired about the ability to post information on the website which informs licensees about professional reporting. Considerations relating to the Health Insurance Portability and Accountability Act (HIPAA) were discussed. Sarah Bowen, WPA, provided comments to the Board through-out discussion of this matter. The Board will work with the Division of Enforcement to develop a FAQ regarding reporting requirements for licensed psychologists which will be posted on the Psychology Examining Board's portion of the Department's website. Additionally, the Board requested that the Division of Enforcement work to develop general professional reporting guidelines to be posted to the Department website.

**REVIEW OF S. 455.02 LICENSE REQUIRED TO PRACTICE; USE OF TITLES.
DISCUSSION ON CLARIFICATION OF STATUTORY USE OF TITLES LANGUAGE
THROUGH ADMINISTRATIVE RULE MAKING**

The Board reviewed s. 455.02 Wis. Stats., in order to determine if rule writing could be utilized for the purpose of clarifying statutory language herein. The Board discussed title usage as currently outlined in statute. Colleen Baird provided the Board with her legal opinion.

After discussion the Board continues to endorse its position on title usage as outlined in correspondence, dated October 17, 2002, from Psychology Examining Board Chair, Mariellen Fisher, Ph.D., to Matthew J. Frank, Secretary of Corrections and Helene Nelson, Secretary of Health and Family Services. The Board further requested that information as to the Board's position be forwarded to the Division of Enforcement.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Cynthia Bagley, to request the Department to draft a scope statement regarding the use of titles. Motion carried unanimously.

**INFORMATIONAL ITEM – LETTER TO DR. DAVID LACOCQUE, UW HEALTH
SERVICES RE: ETHICAL CONSIDERATIONS AND REPORTING REQUIREMENTS
SPECIFIED UNDER THE “UW POLICY “SEXUAL ASSAULT REPORTING TO
UNIVERSITY OFFICES” OR SARUO**

The Board reviewed a letter drafted by Bruce Erdmann in response to an inquiry by Dr. David Lacocque regarding ethics, confidentiality, and reporting requirements. The Board noted that this correspondence indicated internal policy issues that would not be under the purview of the Board. Sarah Bowen, WPA, provided comments during discussion of this topic.

**REVIEW OF ORAL INTERVIEW EXAMINATION PROCESS REQUIRED FOR
PSYCHOLOGY LICENSURE**

Jeff Scanlan advised the Board that this topic has been placed in both an open and closed session as some of the examination information is confidential. The Board discussed the intent of its discussion relating to the oral interview exam process. Topics such as portability of licensure, education requirements and general issues with oral examinations were discussed. The Board will readdress this issue once all members of the Board are present for discussion.

ASPPB REPORT

None.

Review of Correspondence and Phone Inquiries by Legal Counsel

None.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g), for the purpose of conducting oral interviews, reviewing monitoring requests, requests to extend practice, application reviews, consulting with Legal Counsel and Division of Enforcement case status reports. Roll Call Vote: Cynthia Bagley-yes;-yes; Bruce Erdmann, Ph.D.-yes; Teresa Rose-yes; Melissa Westendorf, Ph.D.-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:21 a.m.

RECONVENE TO OPEN SESSION

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Cynthia Bagley, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 3:39 p.m.

(Dr. Westendorf left the meeting at 3:30 p.m. and was then connected by phone at 3:35 p.m.)

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF
VOTING IS APPROPRIATE**

MONITORING

None.

DELIBERATION OF MONITORING RECEIVED AFTER MAILING OF AGENDA

None.

ADDITIONAL INFORMATION SUBMITTED FOR REVIEW

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to accept the additional information submitted by Dawn Landers, Psy.D. Motion carried. Abstained: Bruce Erdmann, Ph.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Cynthia Bagley, to accept the additional information submitted by Christopher Lepage, Psy.D.; Jill Mallin, Ph.D.; Melissa Pecor, Ph.D.; Jill Salsman, Ph.D.; Margaret von Briesen, Ph.D.; Ajay Wadhwa, Ph.D. Motion carried unanimously.

ADDITIONAL INFORMATION SUBMITTED AFTER THE MAILING OF THE AGENDA

None.

ORAL INTERVIEWS OF APPLICANTS – FINAL APPROVAL FOR LICENSURE

MOTION: Cynthia Bagley moved, seconded by Melissa Westendorf, Ph.D., to grant licensure to practice psychology to Dawn Landers, Psy.D. Motion carried. Bruce Erdmann, Ph.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to grant licensure to practice psychology to Jodi Blahnik, Ph.D.; Sarah Downing, Psy.D.; Christopher Lepage, Psy.D.; Jill Mallin, Ph.D.; Kelsey McCoy, Psy.D.; Melissa Pecor, Ph.D.; Michele Ries, Ph.D.; Jill Salsman, Ph.D.; Margaret von Briesen, Ph.D.; Ajay Wadhwa, Ph.D. Motion carried unanimously.

(William Hoyt, Ph.D. was not present for oral interviews.)

SUPERVISION REVIEWS THAT MAY COME IN AFTER MAILING OF AGENDA

None.

REVIEW OF ORAL INTERVIEW PROCESS AND QUESTIONS ASKED IN ORAL INTERVIEW. BOARD DEVELOPMENT OF ADDITIONAL QUESTIONS FOR REVIEW

The Board will review its interview process and questions once all members of the Board are present.

REVIEW OF APPLICATIONS FOR LICENSURE

NINA ALBANESE-KOTAR, PH.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to admit to Ethics, Jurisprudence Exam and Oral Interview Nina Albanese-Kotar, Ph.D. Motion carried unanimously.

LAURA COWAN, PH.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to admit to Ethics, Jurisprudence Exam and Oral Interview Laura Cowan, Ph.D., provided that she submit evidence of forty (40) units of continuing education no later than March 1, 2010. Motion carried unanimously.

TERRI DEROON-CASSINI, PH.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to admit to Ethics, Jurisprudence Exam and Oral Interview Terri Deroon-Cassini, Ph.D., with a request to send a letter indicating that the Board expressed concerns about competence in the area(s) of geriatrics with a reminder of the requirement to limit practice to those areas in which competence is established by adequate education, training, and experience. Motion carried unanimously.

JESSE FREY, PSY.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to admit to Ethics, Jurisprudence Exam and Oral Interview Jesse Frey, Psy.D. Motion carried. Abstained: Bruce Erdmann, Ph.D.

JENNIFER HAUSER KUNZ, PH.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to admit to Ethics, Jurisprudence Exam and Oral Interview Jennifer Hauser Kunz, Ph.D., with a request to send a letter indicating that the Board expressed concerns about competence in the area(s) of consultation and geriatrics with a reminder of the requirement to limit practice to those areas in which competence is established by adequate education, training, and experience. Motion carried unanimously.

SHANNON HUFF, SCHOOL PSYCHOLOGIST

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to admit to Ethics, Jurisprudence Exam and Oral Interview Shannon Huff, School Psychologist. Motion carried unanimously.

DANIEL HUNEKE, PSY.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to admit to Ethics, Jurisprudence Exam and Oral Interview Daniel Huneke, Psy.D., with a request to send a letter indicating that the Board expressed concerns about competence in the area(s) of ADD/ADHD evaluation and treatment and behavior modification with a reminder of the requirement to limit practice to those areas in which competence is established by adequate education, training, and experience. Motion carried. Abstained: Bruce Erdmann, Ph.D.

AMBER RICHGELS, PSY.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Cynthia Bagley, to admit to Ethics, Jurisprudence Exam and Oral Interview Amber Richgels, Psy.D., with a request to send a letter indicating that the Board expressed concerns about competence in the area(s) of ADD/ADHD evaluation and treatment and eating disorders with a reminder of the requirement to limit practice to those areas in which competence is established by adequate education, training, and experience. Motion carried unanimously.

CAROLINE SCHMIDT, PH.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Cynthia Bagley, to admit to Ethics, Jurisprudence Exam and Oral Interview Caroline Schmidt, Ph.D., with a request to send a letter indicating that the Board expressed concerns about competence in the area(s) of program evaluation and development with a reminder of the requirement to limit practice to those areas in which competence is established by adequate education, training, and experience. Motion carried unanimously.

JENNIFER SPOTTS, PH.D.

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to admit to Ethics, Jurisprudence Exam and Oral Interview Jennifer Spotts, Ph.D., with a request to send a letter indicating that the Board expressed concerns about competence in the area(s) of behavioral medicine, geriatric, auricular acupuncture, forensic and neuropsychology, emergency psychiatry and NY Office of Alcoholism & Substance Abuse with a reminder of the requirement to limit practice to those areas in which competence is established by adequate education, training, and experience. Additionally, requested was information relative to the current status or resolution of litigation. Motion carried. Abstained: Bruce Erdmann, Ph.D.

APPLICATION REVIEWS RECEIVED AFTER MAILING OF AGENDA

None.

**DELIBERATION OF PROPOSED STIPULATIONS
SIGNED AFTER MAILING OF AGENDA**

**MERVIN R. SMUCKER, PH.D.
(06 PSY 049)**

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Cynthia Bagley, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Mervin Smucker, Ph.D. (06 PSY 049). Motion carried unanimously.

**LINDA BLOOM. PSY.D.
(07 PSY 030)**

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Linda Bloom. Psy.D. (07 PSY 030). Motion carried. Abstained: Bruce Erdmann, Ph.D.

**DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS SIGNED AFTER
MAILING OF AGENDA**

None.

**DELIBERATION OF PROPOSED FINAL DECISIONS AND ORDERS
RECEIVED AFTER THE MAILING OF THE AGENDA**

None.

**DELIBERATION OF PETITIONS FOR REHEARINGS
SIGNED AFTER MAILING OF AGENDA**

None.

**DIVISION OF ENFORCEMENT
CASE STATUS REPORT & CASE CLOSINGS**

09 PSY 038

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to close case 09 PSY 038 for no jurisdiction. Motion carried unanimously.

DOE SIGNATURES FOR ORDERS

Signatures were collected for all required documentation.

OTHER BOARD BUSINESS

None.

ADJOURNMENT

MOTION: Melissa Westendorf, Ph.D., moved, seconded by Teresa Rose, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:00 p.m.